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PATENT  
ATTORNEY DOCKET NO. 046124-5025

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yukio KATO *et al.*

Application No.: 09/555,342

Group Art Unit: 1642

Filed: May 26, 2000

Examiner: Minh-Tam Davis

For: HUMAN FETUS CHONDROCYTE-DERIVED GENE

MAIL STOP AF  
Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Alexandria, VA 22314

**NOTICE OF APPEAL TO BOARD OF PATENT APPEALS & INTERFERENCES**

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated February 10, 2005 of the Examiner finally rejecting claims 16 and 32.

The Commissioner is hereby authorized to charge **\$500.00** to Deposit Account No. 50-0310 for payment of the Notice of Appeal fee.

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).


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01 FC:1401 500.00 DA

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: August 10, 2005

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